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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,811	02/09/2004	Jeffrey J. Domey	SP01-269A	9243
22928	7590	12/15/2006		EXAMINER
CORNING INCORPORATED SP-TI-3-1 CORNING, NY 14831				GREEN, ANTHONY J
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/774,811	DOMEY ET AL.	
	<b>Examiner</b> Anthony J. Green	<b>Art Unit</b> 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 November 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-7,9 and 10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

1. This office action is in response to the amendment submitted on 02 November 2006. Claims 1-2, 4-7 and 9-10 are currently pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara et al., U.S. Patent 5,958,809 in view of Ohashi et al., U.S. Patent 6,143,676 for the reasons set forth in the previous office action and which are herein incorporated by reference.

Applicant argues that the instant claims are not rendered obvious by the references as combined as they do not teach a fused silica member exhibiting a change in transmittance of less than 0.005/cm after the member has been irradiated with  $1 \times 10^{10}$  shots of 193 nm laser at 1.0 mJ/cm<sup>2</sup>/pulse, as recited in claims 1 and 6 as amended.

To this argument the examiner respectfully disagrees as applicant has not shown that the silica member does not exhibit the claimed properties. While the references do not recite the change in transmittance it should be noted that these properties are

achieved after the member has been irradiated however applicant has not shown that irradiating the silica member of the references with the same laser does not produce the change in transmittance. Therefore in the light of the fact that no convincing evidence has been presented, such as a showing that said change in transmittance is not achieved when said member is irradiated the instant claims are obvious over the combination of references.

4. Claims 1-2, 4-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al., U.S. Patent 6,656,860 in view of Ohashi et al., U.S. Patent 6,143,676 for the reasons set forth in the previous office action and which are herein incorporated by reference.

Applicant argues that the instant claims are not rendered obvious by the references as combined as they do not teach a fused silica member exhibiting a change in transmittance of less than 0.005/cm after the member has been irradiated with  $1 \times 10^{10}$  shots of 193 nm laser at 1.0 mJ/cm<sup>2</sup>/pulse, as recited in claims 1 and 6 as amended.

To this argument the examiner respectfully disagrees as applicant has not shown that the silica member does not exhibit the claimed properties. While the references do not recite the change in transmittance it should be noted that these properties are achieved after the member has been irradiated however applicant has not shown that irradiating the silica member of the references with the same laser does not produce the change in transmittance. Therefore in the light of the fact that no convincing evidence

has been presented, such as a showing that said change in transmittance is not achieved when said member is irradiated the instant claims are obvious over the combination of references.

5. Claims 1-2, 4-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al., U.S. Patent 6,656,860 in view of Ohashi et al., U.S. Patent 6,143,676 for the reasons set forth in the previous office action and which are herein incorporated by reference.

Applicant argues that the instant claims are not rendered obvious by the references as combined as they do not teach a fused silica member exhibiting a change in transmittance of less than 0.005/cm after the member has been irradiated with  $1 \times 10^{10}$  shots of 193 nm laser at 1.0 mJ/cm<sup>2</sup>/pulse, as recited in claims 1 and 6 as amended.

To this argument the examiner respectfully disagrees as applicant has not shown that the silica member does not exhibit the claimed properties. While the references do not recite the change in transmittance it should be noted that these properties are achieved after the member has been irradiated however applicant has not shown that irradiating the silica member of the references with the same laser does not produce the change in transmittance. Therefore in the light of the fact that no convincing evidence has been presented, such as a showing that said change in transmittance is not achieved when said member is irradiated the instant claims are obvious over the combination of references.

Claims 1-2, 4-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komine et al., U.S. Patent 6,649,268 for the reasons set forth in the previous office action and which are herein incorporated by reference.

Applicant argues that the instant claims are not rendered obvious by the reference as it does not teach a fused silica member exhibiting a change in transmittance of less than 0.005/cm after the member has been irradiated with  $1 \times 10^{10}$  shots of 193 nm laser at 1.0 mJ/cm<sup>2</sup>/pulse, as recited in claims 1 and 6 as amended.

To this argument the examiner respectfully disagrees as applicant has not shown that the silica member does not exhibit the claimed properties. While the reference does not recite the change in transmittance it should be noted that these properties are achieved after the member has been irradiated however applicant has not shown that irradiating the silica member of the references with the same laser does not produce the change in transmittance. Therefore in the light of the fact that no convincing evidence has been presented, such as a showing that said change in transmittance is not achieved when said member is irradiated the instant claims are obvious over the reference.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorendo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anthony J. Green  
Primary Examiner  
Art Unit 1755

ajg  
December 5, 2006